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Legal Background Briefings provide background information regarding a particular area of law and are updated periodically.

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Legal Background Briefing on...

Iowa's Sex Offender Registry Law

Purpose and Overview

Purpose. The purpose of this Background Briefing is to provide an overview of the Sex Offender Registry Law in Iowa, including who is required to register, the registration process, how registry information is obtained by the general public, and the criminal violations associated with failure to comply with the Sex Offender Registry. Citations to the law within this Background Briefing are to the 2005 Iowa Code and 2005 Iowa Code Supplement.

Overview. The Sex Offender Registry was created in 1995.¹ The registry law was substantially amended during the 2005 Legislative Session.² Any person convicted of a criminal offense against a minor with a sexual element, an aggravated offense with a sexual element, a sexually violent offense, or any other relevant offense in Iowa, or in any other state, or in any federal, military, tribal, or foreign court, must register as a sex offender.³ Beginning in July 2005, sex offenders for the first time are being removed from the registry because their 10-year registry period has ended. During July of 2005, 696 sex offenders were removed from the registry because the offenders had successfully completed their 10-year registry period.⁴ As of August 1, 2005, there were 6,004 people on the Sex Offender Registry.⁵

Length of Registration

10-Year Registration.

A person required to register as a sex offender is required to register for a period of 10 years.⁶ If an offender is placed on probation, parole, or work release and that status is subsequently revoked, the 10-year registration period begins anew upon release from custody.⁷ If an offender is incarcerated for another offense while on the Sex Offender

Registry, the 10-year registry period is tolled while the offender is incarcerated.⁸

Special Sentence Registration.

A person required to register as a sex offender who is serving a special sentence for a sexual offense conviction is required to register as a sex offender for a period equal to the length of the special sentence.⁹ For an offender serving a misdemeanor or class "D" felony special sentence for a sexual offense conviction, the offender must register for a period of 10 years unless discharged sooner.¹⁰ For an offender serving a class "C" felony or greater felony special sentence for a sexual offense conviction, the offender must register for the rest of the person's life or until the offender is discharged from the special sentence, as applicable.¹¹

Lifetime Registration.

If an offender commits an aggravated offense or commits a second or subsequent offense that requires registration, the offender must register as a sex offender for the rest of the person's life.¹²

Registration Process

A person required to register as a sex offender must register with the sheriff of the county where the person resides within five days of establishing residence, within five days of any conviction if the person is not incarcerated, or within five days of any release.¹³ A sheriff must accept the registration of a nonresident who works full-time or part-time or who is a full-time or part-time student in the county.¹⁴ A sex offender must also register with the sheriff within five days of changing residences within the county or changing the offender's legal name.¹⁵ If the offender moves outside this state, within five days, the offender must notify the sheriff of the county where the offender is registered of the offender's new address outside this state.¹⁶

Any time the address of a sex offender is updated, the county sheriff must notify the

Department of Public Safety of the new address.¹⁷

Verification of Address and Photograph

A person required to register as a sex offender must annually verify the person's address with the Department of Public Safety.¹⁸ If the offender is classified as a sexually violent predator, the person must verify the person's address every three months with the department.¹⁹ A photograph of the offender must also be updated at least annually for publication on the Sex Offender Registry's web page.²⁰

Public Access to the Sex Offender Registry Information

The Department of Public Safety must provide relevant sex offender information to any criminal or juvenile justice agency, any state agency, any Sex Offender Registry in another state, and the federal government, and to the general public through the Sex Offender Registry's web page.²¹ Every person required to register as a sex offender is subject to having the person's photograph and relevant information posted on the Sex Offender Registry's web page.²² For a person under 20 years of age who commits sex abuse in the third degree with a minor, more commonly referred to as statutory rape, relevant information regarding the person is not on the Sex Offender Registry's web page.²³ A member of the general public may also request relevant Sex Offender Registry information from the county sheriff or police department. The request for relevant information must include the name of the offender and at least one of the following identifiers: the date of birth of the person, the social security number of the person, or the address of the person.²⁴

Relevant information provided to the public may include the following: the offender's name, address, photograph, locations frequented by the offender, relevant criminal history, and any risk assessment. Relevant information does not include the identity of any victim.²⁵

Assessment of Risk

The Department of Corrections, the Department of Human Services, and the Department of Public Safety must, in consultation with one another, develop methods and procedures for the assessment of the risk to reoffend by persons required to register as a sex offender.²⁶ The Department of Corrections must perform the assessment of risk for persons who are incarcerated at correctional institutions, and a Judicial District Department of Correctional Services must perform the assessment for persons who are being supervised by a judicial district.²⁷ The Department of Human Services is responsible for performing the assessment of risk for persons confined in institutions under the control of the director of the department.²⁸ The Division of Criminal Investigation of the Department of Public Safety must perform the assessment of risk for persons who have moved to Iowa and who are not under the supervision of a governmental agency, for federal parolees or probationers, and for certain other offenders not otherwise under supervision.²⁹ A juvenile court officer must perform the assessment of risk for a juvenile adjudicated delinquent for an offense that requires registration.³⁰

The Department of Public Safety is responsible for disclosing the assessment of risk, which is disclosed along with any other relevant sex offender information. The disclosure includes the posting of the assessment on the Sex Offender Registry's web page.³¹

Criminal Violations

Residency Restrictions.

A person who is required to register as a sex offender and whose underlying criminal offense was committed against a minor is prohibited from residing within 2,000 feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.³² A sex offender who resides within 2,000 feet of a public or nonpublic school or child care facility commits an aggravated misdemeanor.³³ An offender

does not violate the 2,000-foot restriction if the offender is required to serve a sentence at a correctional institution or facility, is subject to civil commitment as a sexually violent predator, had an established residence prior to July 1, 2002, resides within 2,000 feet of a newly established school or child care facility, or is a minor or ward under a guardianship.³⁴

Other Criminal Violations.

If an offender fails to register or does not register within five days of moving or changing the offender's name, or fails to verify the address or update the offender's photograph, the offender commits an aggravated misdemeanor for a first offense and a class "D" felony for a second or subsequent offense.³⁵ If an offender fails to register in a county where the offender is a student or employee of an institution of higher education but not a resident, the offender commits a serious misdemeanor for a first offense and a class "D" felony for a second or subsequent offense.³⁶ An offender who commits a criminal violation under Code chapter 692A (Sex Offender Registry law), except a violation of the residency restriction, and subsequently commits a criminal offense against a minor that requires registration, commits a class "C" felony in addition to any other criminal violation.³⁷

¹ Iowa Code ch. 692A; See also 1995 Iowa Acts ch. 146.

² 2005 Iowa Acts ch. 158 (HF 619).

³ Iowa Code Supplement § 692A.2. For specific criminal offenses which require registration as a sex offender, see Iowa Code §§ 692A.1(1) (aggravated offense); 692A.1(5) (criminal offense against a minor); 692A.1(7) (other relevant offenses); and 692A.1(9) (sexually violent offenses).

⁴ Communication from the Department of Public Safety (August 11, 2005).

⁵ Communication from the Department of Public Safety (August 10, 2005).

⁶ The 10-year period commences from the date the person is placed on probation, the date of release from parole or work release, the date of release of a juvenile from foster care or residential treatment, or from the date of any other release from custody. See Iowa Code Supplement § 692A.2(1).

⁷ Iowa Code Supplement § 692A.2(3).

⁸ Iowa Code Supplement § 692A.2(3).

⁹ Iowa Code Supplement § 692A.2(2).

¹⁰ Iowa Code Supplement § 692A.2(2). For a list of misdemeanor and class "D" felony special offenses requiring a 10-year parole term, see Iowa Code Supplement § 903B.2.

¹¹ Iowa Code Supplement § 692A.2(2). For a list of felony special offenses requiring lifetime parole and thus lifetime registration unless otherwise discharged, see Iowa Code Supplement § 903B.1.

¹² Iowa Code Supplement § 692A.2(5). For a list of specific aggravated criminal offenses, see Iowa Code § 692A.1(1).

¹³ Iowa Code § 692A.3(1).

¹⁴ Iowa Code § 692A.3(1).

¹⁵ Iowa Code § 692A.3(2).

¹⁶ Iowa Code § 692A.3(4).

¹⁷ Iowa Code § 692A.3(2-4).

¹⁸ Iowa Code Supplement § 692A.4(1).

¹⁹ Iowa Code Supplement § 692A.4(2). Iowa Code Supplement § 692A.1(11) defines "sexually violent predator" to mean a person who has been convicted of an offense under the laws of this state or any other state which qualify the person as a sexually violent predator under the federal Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14701(a)(3)(B), (C), (D), and (E).

²⁰ Iowa Code Supplement § 692A.4(3).

²¹ Iowa Code Supplement § 692A.13(1).

²² Iowa Code Supplement § 692A.13(6).

²³ Iowa Code Supplement § 692A.13(1)(b).

²⁴ Iowa Code Supplement § 692A.13(4).

²⁵ Iowa Code Supplement § 692A.13(6).

²⁶ Iowa Code Supplement § 692A.13A(1).

²⁷ Iowa Code Supplement § 692A.13A(1)(a).

²⁸ Iowa Code Supplement § 692A.13A(1)(b).

²⁹ Iowa Code Supplement § 692A.13A(1)(c).

³⁰ Iowa Code Supplement § 692A.13A(1)(d).

³¹ Iowa Code Supplement § 692A.13A(2).

³² Iowa Code § 692A.2A(1,2).

³³ Iowa Code § 692A.2A(3).

³⁴ Iowa Code § 692A.2A(4).

³⁵ Iowa Code Supplement § 692A.7(1). See also Iowa Code Supplement §§ 692A.2 and 692A.4 and Iowa Code § 692A.3.

³⁶ Iowa Code Supplement § 692A.7(1). See also Iowa Code § 692A.3A.

³⁷ Iowa Code Supplement § 692A.7(1).

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